

Banking

11 of 1908

Sr No. 14 & 15

G. R. S. 58

Previous references.

B. June 1908 8, 9, 11, 12, 14, 19 22; 27. 26.3-07.)

1908-9

(Banking)

Later references.

File No. 11-08

Serial Nos. 14715

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 14715

Part B. for April 09

SUBJECT.

Remission of the penalty under the Registration Regulation of 1903 for late registration of the hypothecation deeds of the Udewar Estate.

14) From the D.C. Hassan. No. 62/A9.03.
of 13.3.09

Resubmits the documents executed by the Udewar Brothers & Requests that the penalty under Sect. 24 of the Registration Regulation on these documents may be exempted

15) To the D.C. Hassan. No. 214445
of 3.4.09.
States that it is not necessary to levy the maximum penalty

but that a nominal fee may be collected
& even then refunded if so ordered
under section 70

B. 11-08

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Q 3298 Sl. 14

This about the remission of the penalty under the Registration Regulation of 03 for late registration of the hypothecation deeds of the widows estates. Has not this to be dealt with in Branch III

17³ 2P Please put up the Kap T reference relating to the exemption of the documents from the Stamp and Registration

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

17/3.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

3 The Deputy Com^r wants to I do not think
an order exempting the Government have
documents from ^{payment of} penalty for power to order
under Section 24 of the the Exemption asked
Registration Regulation. for by the Deputy Com^r
It is doubtful if the (at all events at this stage)
Government have reserves Sec 70 gives the power
any such power. Br III to the D. G. of Registrars
may be consulted. and that can be done
after the fine has been
levied but not before

4 To Branch III for forwarding
opinion ^{19/3}
19/3
19/3 9

7 The Deputy
Commissioner's attention
may however
be invited to the
fact that Sec 24 it
is not obligatory on the
Registrar (who in this case
is the Deputy Commr
himself) to insist on
the maximum penalty
of ten times the proper
fee being levied. A small
nominal fine say one
Rupee for each document
in excess addition to the
proper fee may be levied
in the first instance
and (if it is considered
worth while) even this
may be refunded afterwards
under Sec 70 by the D. G. of

5 It has not been that the
have reserved any power to
enact the payment of any penalty
required under Sec 24 of the Reg-
istration Regulation, though under
Sec 70 the D. G. of Reg-
istration may remit wholly or in part
any such fine if an application being pre-
ferred to him. The party concerned

N.B.—Should routine notes be written on small
slips, the notes must be copied, or slips
pasted on this form

may be asked to apply to the D. G. of
in the matter

26/3/09. S.H.
P.T. 0

18/2/09

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

While going through the several bonds sent up, it occurred to me that clause (a) of para 5 in each of the four printed "agreements and hypothecation bonds" may be omitted with advantage. Because, as I understand it, that clause refers to joint liability as between the members of the ^{late} Bank, for which purpose all the Udewan Brothers were taken as one. As between ~~themselves~~ the latter they are jointly liable for each other's debts in accordance with the document executed by them all, which is now also about to be registered.

I believe the printed form was primarily intended for use by members of the Bank as members.

To retain the clause

N. B. - Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.] *

is not absolutely
wrong, as the ^{real} meaning
can be made out but
it is better to be plain
- where we could be - in
legal documents.

26/3/09. S.H.

For II
Subd
27/3
ind 27/3
CO please put up
a draft accordingly
ind 27.3-9

Draft Subd
ind
1.4.09

ind 11/4
(Genl Secy) 12 ind 1-4 9

13 Not necessary to
omit para 5(a) or
conf. notes a fact of
itself to cause misapprehension
(4) With the view of the para
about this, the draft is as above

N. B. - Should routine notes be written on small
slips, the notes must be copied, or slips
pasted on this form.

15 June 1909

B 11-08

5

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

SL 15-

To the Dy Commr
 Hassan D^r
 No 78 4445-8 3-4-09
 States that it is not
 necessary to levy.
 the maximum penalty
 under Section 24 of
 the Registration
 Regulation but that
 a nominal fee may
 be collected & was
 then refunded if so.
 noted under Section 70.

N. B.—Should routine notes be written on small
 slips, the notes must be copied, or slips
 pasted on this form.

(14)

Urgent
4/16/3 83298

1909-62.

From

P.R.W. Wetters Esquire,
Deputy Commissioner,

Madras District.

To

C.S. Balasundaram Esquire, D.A., D.L.
Off. Secretary to the Govt. of M.H.
the Municipality of Mysore, Genl. and Rev
Departments, Mysore.

Dated 13th. March 1909.

Despatched

Received

General No. 62
No. A.S.

Enclosure No. One A.S. One

Four Documents

done by the Commission

S U B J E C T :

*Resubmitting the
documents executed
by Udenna Brothers &
soliciting early orders
of Govt re exemption
of penalty under Sec: 24
of the Registration Regn
on these documents
when presented for
registration.*

Deputy Commissioner's Office,
Hassan District,
Dated 13th. March 1909.

P. W. Wetmore Esquire,
Deputy Commissioner,
Hassan District.

C. S. Lalasundaram Iyer Esquire, B.A., L.L.,
Offg. Secretary to the Government of His Highness
the Maharaja of Mysore,
General and Revenue Departments,
Bangalore.

Sir,

Adverting to Government Order No. FL 40.1-2/ B 11-03-12 *Flag U*
dated 10th. I beg to state that yesterday received concerning the restoration
of the Udevar Brothers, of the C. S. Estates belonging
to them, I have the honour to state that the Agreement and the
Mortgage deeds were executed by the Udevar Brothers on the
7th. August 1908. The said date was entered in the Agreement
and the Mortgage deeds with a view to the
entry after approval by Government.

2. As the Government has referred in the
Proceedings No. 14284-85 dated 24th./29th. June 1908 that the *Fl 6681 d 23.6.08*
documents should be executed before the restoration of
Estates to the Owners, and in view of the fact that in the
Agreement which is dated 7th. August 1908 it is mentioned that
the Mortgage deeds have been executed, it is necessary to
state that date (viz: 7th. August 1908) in the Mortgage
deeds. As nearly 7 months have elapsed since the date of the
execution of the Agreement, the Executors would have to pay
under Section 24 of the Registration Regulation of 1908 a
penalty of Rs. 40/- for each of the five documents, being ten
times the proper Registration fee viz: Rs. 4/- for each document
as prescribed in Government Order (No. 3347/FL 6681) dated 23rd. *Fl 8326-36/Fl 695*

March 1907. The Inspector General of Registration is empowered as per Section 70 of the ⁷ Land Registration Act to remit the whole or portion of the penalty only after the same has been levied.

3. Under the foregoing circumstances and in view of the fact that the Government have shown consideration for the payment of Stamp and Registration fees in such cases, I request that you will be so good as to obtain from the Government exemption from the levy of penalty under Section 21 of the Land Registration Act on the documents when presented for registration.

4. It may be observed that the maximum period of validity of a registration of a leasehold estate for registration is under Section 24 of the Land Registration Act - 1925 expires on the 7th April 1909. I therefore request early intimation of the Orders of the Government in the matter.

5. The Agreement and the four hypothecation deeds received with Government Order under advertisement are herewith submitted for reference and filing.

I have the honour to be,

Sir,

Your most obedient servant,



Deputy Commissioner,

M.P.C.

Hyderabad District.



G.R.S. 26]

File No. 11

Serial No/5

Diary No. of letter replied to 3298

H No. 4445

General and Revenue Secretariat

(Banking
the 190 .)

To The Dy Commr
Bassare D^o
Sir

Date of issue Mr. H. S. Chandra Sekham
Dy

Signed by 3-4-09

1 from the Payment of
penalty under Section
24 of the Registration
Act, 1908.

with reference to
your letter no. 628 is the
regarding the
enactment of the Town-
ships Act, 1908. By order
of the Dy Commr I am to invite
your attention to Section
24 of the Registration
Act, 1908, under which
the power to exempt
parties from the
payment of penalty
for late registration
has been delegated to
the Dy of Registration
over.

SUBJECT.

PFD

directed to State

I am to add that under the said

section ~~24~~ it is not
obligatory on the
Registrar to levy the
maximum penalty
of ten times the
fee ~~and that~~ ^{and that} a nominal
fee may be levied
in the first instance. ~~and that~~ Even the
~~to satisfy legal requirements~~
~~which may be~~ if absolutely necessary
refunded after wards
by the I. G. of Regis-
tration under section

70. if considered
necessary

2. Clause A of para 5 in the form
"Agreements & hypothecation bonds"
refers to joint liabilities betⁿ the
members of the late family for which purpose all

~~the deceased~~
the Moeran brothers were taken as prior. As betⁿ

the latter they are jointly liable for each others debts in
accordance with the document executed by them all & in these circumstances I am
to state that the said clause is unnecessary & may be omitted

Copy of the above forwarded
to the I. G. of Registration
for information with
copy of the Dy Commr's
letter. und 114

✓ The enclosure to your
letter under reply is
herewith ^{List of enclosures.}
returned.

Copied by

Examined by

Genl Secy
1.24.9